

Remarks

Claims 6-28 are in the application. Claims 6, 17, and 21 are in independent form.

Claim 8 stands objected to for failing to end with a period. Amended claim 8 ends with
a period.

Claims 17-20 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Applicant traverses the rejection. Claim 17 recites an apparatus that includes a "network server" and "a program executing on the network server." The Examiner cites In re Warmerdam, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1991) to support the rejection. In Warmerdam, the Court of Appeals of the Federal Circuit affirmed the Board of Patent Appeals and Interferences rejection of method claims and a data structure claim, but reversed the rejection of the apparatus claim, stating on page 1759 that: "Claim 5 is for a machine, and is clearly patentable subject matter."

The Examiner states that the claims do not produce a tangible result. Applicant submits that the claims are directed to apparatuses, not methods, and that they properly recite not actions, but hardware and software that is capable of performing the action.

Claims 13-15 stand rejected under 35 U.S.C. § 112 as indefinite. The Examiner states the terms "donation level," "category," and "competing groups of donors" are unclear. Claims 13-15 are amended to overcome the Examiner's objections.

Claims 6-8, 10, 12-15, 17, 18 and 20 are rejected as anticipated under 35 U.S.C. § 102(e) by U.S. Pat. No. 5,909,794 to Molbak et al. ("Molbak") and U.S. Pat. No 6,253,998 to Ziarno ("Ziarno").

Both Molbak and Ziarno teach machines that accept contributions and provide receipts to the donors. Neither reference describes "automatically publishing on the computer network information about the donation, thereby providing immediate recognition to the donor." As described in applicant's specification, publishing the donations provides the public recognition that many donors desire and spurs other donors to surpass the published donation.

The Examiner states in paragraph 9 of his office action that in Molbak, "the info is published to the system daily." The Examiner also states in paragraph 9 that the term "publish" is interpreted as having its normal and customary meaning. Applicant submits that the private transmission of information from a field unit to central computer does not fit the normal and customary meaning of the word "publish" because the information is not made

publically available. Moreover, claim 6 specifically recites publishing to provide “immediate recognition to the donor,” which is not provided by the data transmission from the field unit to the central computer.

Merriam-Webster Collegiate Dictionary & Thesaurus (Electronic Edition, Version 2.5) defines “publish” as”

1 a : to make generally known **b** : to make public announcement of

2 a : to disseminate to the public **b** : to produce or release for distribution;

specifically : PRINT **2 c** **c** : to issue the work of (an author)

As another example of the ordinary and customary meaning of “publication,” MPEP 2108 defines a “printed publication”: “A reference is proven to be a ‘printed publication’ upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it.”

Applicant understands that the Examiner is required to give claims their broadest reasonable interpretation during examination, but applicant submits that calling the private transmission from a field machine to a central computer “publishing” is not a reasonable interpretation of the word. In any event, applicant has now created a prosecution history that clarifies that “publish” does not include the private transmission of data from a field machine to a central computer.

The Examiner also states that Ziarno publishes the donations, but does not refer to any particular passage within Ziarno. Ziarno prints a receipt and sends the information to a host computer, but does not “publish” the information.

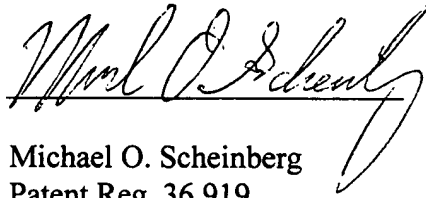
The Examiner also states that publishing donor information is old and well known in the art. However, the Examiner has provided no reference that discloses accepting and immediately publishing donations over a computer network. The combination of accepting and immediately publishing provides a synergism that encourages additional donations by the donor and by others.

Applicant submits new claims 21- 28 to more completely claim the invention.

Applicant submits that claims 1-28 are patentable and respectfully request that the application be allowed.

Respectfully submitted,

Date: 2/22/02

A handwritten signature in cursive script, appearing to read "Michael O. Scheinberg", written over a horizontal line.

Michael O. Scheinberg
Patent Reg. 36,919
P.O. Box 164140
Austin, Texas 78716-4140
Telephone: (512) 328-9510
Facsimile: (512) 306-1963

Marked-up Claims Amended and Newly Added on 23 Feb 2002

8. (Amended) The method of claim 7 in which automatically accepting donations over the computer network includes the donor entering information about the donor.

13. (Amended) The method of claim 12 in which the donation list is arranged in order of donation level, the donation level corresponding to the total amount donated by each donor on the list, and further comprising displaying the level of donation required to achieve a specified position on the list.

14. (Amended) The method of claim 6 further comprising:
totaling donations by categories, the category of each donation being determined from ~~based upon~~ information provided by the ~~donors~~ corresponding donor; and
publishing the donation totals by category on the computer network.

15. (Amended) The method of claim 14 in which the categories represent ~~competing~~ groups of donors, the method further comprising using the totals published on the computer network to encourage the ~~competing~~ groups of donors to ~~increase~~ compete by increasing their donations.

--21. A method of increasing charitable donations to an organization, the method comprising:

providing a network server executing software for communicating with personal computers over a computer network;

automatically accepting from donors donations transmitted through personal computers over the computer network; and

automatically and immediately making publicly available to personal computers over the computer network information about the donation to provide immediate public recognition to the donor.

22. The method of claim 21 in which automatically making available information about the donation includes publishing on the computer network a donation list including the donation and donations from others, thereby allowing the public to compare donations.

23. The method of claim 22 in which publishing on the computer network a donation list includes publishing a donation list arranged in order of donation level, the donation level corresponding to the total amount donated by each donor on the list.

24. The method of claim 23 in which publishing a donation list arranged in order of donation level includes publishing a donation list arranged in order of donation level, the donation level corresponding to a range of monetary value of donation.

25. The method of claim 21 further comprising:
totaling donations by categories, the category of each donation being determined from information provided by the corresponding donor; and
publishing the donation totals by category on the computer network, thereby allowing the public to compare the donation totals by category.

26. The method of claim 25 in which the categories represent groups of donors, the method further comprising using the totals published on the computer network to encourage the groups of donors to compete by increasing their donations.

27. The method of claim 21 in which automatically publishing on the computer network includes publishing the information on an Internet Web page.

28. The method of claim 27 in which publishing the information on an Internet Web page includes publishing a link to a donors web site to make available to the public additional information chosen by the donor.--